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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER	
TRAN, PHUC H	

ART UNIT	PAPER NUMBER
2666	26

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/259,757	LEE, RONALD B.	
	Examiner	Art Unit	
	PHUC H TRAN	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *23,24* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is in response to the applicant' response filed 9/17/03. The Final Rejection is withdrawn in view of the amendment. Claims 1-32 are pending in the application. Detailed action is followed:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-26 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fijolek et al. (U.S. Patent No. 6240464 B1).

- With respect to claim 23, Fijolek teaches a method for ensuring a connection to a configuration protocol server on a data network by a customer premises equipment via a network connection (e.g. the method for managing address of the network host interfaces in a data-over-cable system), the method comprising the steps of: issuing a request for a customer premises equipment network address from the customer premises equipment to the configuration protocol server via the network connection (steps 302 in Fig. 16A); the network connection determining whether a connection can be made to the configuration protocol server (col. 12, lines 17-20), and if not, responding to the customer premises equipment by sending a temporary network address to the customer premises equipment (col. 28, lines 22-24).

- With respect to claim 24, Fijolek discloses wherein the temporary configuration server responds to configuration messages with a lease time for setting a time limit for the temporary network address (col. 4, lines 31-36).

- With respect to claim 25, Fijolek further comprises the steps of: issuing a request to renew the temporary network address when the lease time expires (step 340 in Fig. 18); and the network connection determining whether a connection can be made to the configuration protocol server, and if not, responding to the customer premises equipment by sending an acknowledge message (col. 29, lines 63-37).

- With respect to claims 26 and 32, Fijolek further teaches the steps of: when the network connection determines that the connection can be made to the configuration protocol, the network connection sending a NACK message declining to acknowledge the request to renew the temporary network address (e.g. the network host detects problems with the message and send the decline to the server); the customer premises equipment receiving the NACK message and sending a request for the customer premises equipment network address (col. 27, lines 45-48); and the network connection communicating the request for the customer premises equipment network address to the configuration protocol server (col. 27, lines 48-56).

- With respect to claim 31, Fijolek teaches a method for ensuring a connection to a configuration protocol server on a data network by a customer premises equipment via a network connection (e.g. the method for managing address of the network host interfaces in a data-over-cable system), the method comprises the steps of: issuing a request for a customer premises equipment network address from the customer premises equipment to the configuration protocol server via the network connection (steps 324 in Fig. 16B); the network connection determining

whether a connection can be made to the configuration protocol server, and if not, responding to the customer premises equipment by sending a temporary network address to the customer premises equipment (col. 29, lines 63-37); sending a lease time for the customer premises equipment network address limiting the time of validity of the temporary network address (col. 4, lines 31-36); issuing a request to renew the temporary network address is when the lease time expires (step 340 in Fig. 18); and the network connection determining whether a connection can be made to the configuration protocol server, and if not, responding to the customer premises equipment by sending an acknowledge message (col. 29, lines 63-37).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-7, 10-22, 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fijolek et al. (U.S. Patent No. 6240464 B1).

- With respect to claims 1, 3-4, and 27-28, Fijolek teaches an improved communication system (e.g. the method and system for managing address of network host interface as show in Fig. 1) comprising a customer premises equipment (block 18 in Fig. 1) connected to a data network (block 28 in Fig. 1) via a network connection (block 10 in Fig. 1), the customer premises equipment being operable to communicate with the data network when configured with a client network address (e.g. the CPE received IP address before communicate with the data

network through block 10 in Fig. 1), the customer premises equipment being operable to issue configuration messages to a configuration server connected to the data network to retrieve the client network address from the configuration server (col. 2, lines 31-46). Fijolek explicitly fails to teach a temporary configuration server for responding to configuration messages from the customer premises equipment before the network connection is capable of connecting the customer premises equipment to the data network. However, Fijolek teaches the temporary IP address assigning to the CPE before assigning to permanent address (col. 28, lines 23-28 and lines 41-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to understand the temporary address fore connecting to the network for controlling in communication and available of the network, the temporary configuration protocol responds to configuration messages with a temporary network address (as claim 18).

- With respect to claim 2, Fijolek discloses the network connection comprising a communications device for connecting the customer premises equipment to a local network (e.g. block 20 in Fig. 1), the local network being connected to the data network via a network interconnection device (e.g. block 26 in Fig. 1).

- With respect to claim 5, Fijolek also teaches the communications device includes a cable modem (block 16 in Fig. 1), the local network includes a cable network (block 14 in Fig. 1) and the network interconnection device includes a cable modem termination system (block 12 in Fig. 1).

- With respect to claim 6, Fijolek discloses wherein the cable network is a bi-directional cable network (see Fig. 1 shows the cable network is bi-directional, col. 5, lines 60-61).

- With respect to claim 7, Fijolek discloses the local network further includes a general switched telephone network (block 22 in Fig. 1); the cable modem includes a telephone connection to the general switched telephone network (shows in Fig. 1 block 16 connects to block 22); and the network interconnection device includes a telephony remote access concentrator for sending messages from the cable modem to the data network (e.g. block 24 in Fig. 1).

- With respect to claims 10 & 17, Fijolek teaches the configuration server is a dynamic host configuration protocol server (e.g. block 66 in Fig. 3).

- With respect to claim 11, Fijolek further teaches the network address used by the customer premises equipment is an Internet protocol address (col. 8, line 61).

- With respect to claims 12 & 18, Fijolek teaches wherein the temporary configuration server responds to configuration messages with a temporary network address (e.g. block 66 in Fig. 2 provides configuration parameters for network host interface).

- With respect to claims 13, and 19, Fijolek discloses wherein the temporary configuration server responds to configuration messages with a lease time for setting a time limit for the temporary network address (col. 4, lines 31-36).

- With respect to claims 14 & 20, Fijolek teaches wherein the lease time is less than 10 seconds (col. 30, lines 35-41).

- With respect to claims 15 & 22, Fijolek also teaches wherein the data network includes a connection to the Internet (see bridge paragraph between col. 1 & 2).

- With respect to claim 16, Fijolek discloses a cable modem (e.g. block 16 in Fig. 1) for providing a customer premises equipment (e.g. block 18 in Fig. 1) with access to a configuration

protocol server (e.g. block 26 in Fig. 1) connected to a data network (block 28 in Fig. 1) over a broadband coaxial cable medium, the data network having an interface to the broadband coaxial medium at a head-end of the broadband coaxial medium (e.g. cable in Fig. 1 and col. 1, lines 13-23), the cable modem comprising: a cable input/output interface for communicably connecting the cable modem to the broadband coaxial cable medium (e.g. interface in Fig. 2); a data input/output interface for communicably connecting the cable modem to the customer premises equipment (e.g. block 40 in Fig. 2). Fijolek explicitly fails to teach a temporary configuration server for responding to configuration messages from the customer premises equipment before the network connection is capable of connecting the customer premises equipment to the data network. However, Fijolek teaches the temporary IP address assigning to the CPE before assigning to permanent address (col. 28, lines 23-28 and lines 41-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to understand the temporary address before connecting to the network for controlling in communication and available of the network.

- With respect to claim 21, Fijolek further teaches wherein the cable modem (block 16 in Fig. 2) configuration protocol client declines to renew the temporary network address when the cable modem is capable of connecting the customer premises equipment to the data network (col. 22, lines 34-37).

- With respect to claim 30, Fijolek teaches wherein the temporary configuration server includes a plurality of temporary network addresses with which to respond to configuration messages from a plurality of customer premises equipment (col. 28, lines 22-26).

6. Claims 8-9 and 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fijolek et al. (U.S. Patent No. 6240464 B1) in view of Beser (U.S. Patent No. 6212563 B1).

- With respect to claims 8 & 29, Fijolek teaches an improved communication system comprising a customer premises equipment (block 18 in Fig. 1) connected to a data network (block 28 in Fig. 1) via a network connection (block 10 in Fig. 1), the customer premises equipment being operable to communicate with the data network when configured with a client network address (e.g. the CPE received IP address before communicate with the data network through block 10 in Fig. 1), the customer premises equipment being operable to issue configuration messages to a configuration server connected to the data network to retrieve the client network address from the configuration server (col. 2, lines 31-46), the improvement comprises: a communications device connects the customer premises equipment to a local network, the local network connects to the data network via a network interconnection device (e.g. Fig. 1 shows blocks 12, 16, 14, 22, 24). . Fijolek also fails to teaches the local network including a network of the type select from the group consisting of: Ethernet and token ring. Beser discloses the local network that includes the group of Ethernet and token ring (col. 13, line 1). Therefore, it would have been obvious to a person in ordinary skill in the art at the time of the invention was made to implement the local network of Beser in to Fijolek for connecting equipment and controlling the network.

- With respect to claim 9, Fijolek teaches wherein the temporary configuration server includes a plurality of temporary network addresses with which to respond to configuration messages from a plurality of customer premises equipment (col. 28, lines 22-26).

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

- Applicant's arguments that Fijolek does not teach sending a temporary network address and determining whether a connection can be made in page 12. Examiner respectfully disagrees. Fijolek teaches the sending a temporary network address (col. 28, lines 22-24) and determining whether a connection can be made (col. 12, lines 17-20).
- Applicant's also arguments that the element temporary configuration server in page 13. Examiner respectfully disagrees. Fijolek teaches the assignment temporary IP network (col. 28, lines 22-24) and the temporary configuration protocol responds to configuration messages with a temporary network address.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
November 29, 2003

DANG TON
PRIMARY EXAMINER